

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH P. LUCERO,

Petitioner,

v.

No. CV 11-163 LH/LAM

ERASMO BRAVO, et al.,

Respondents.

ORDER TO SUPPLEMENT ANSWER

THIS MATTER is before the Court *sua sponte*. On February 14, 2011, Petitioner Joseph P. Lucero filed his 28 U.S.C. § 2254 petition, and on March 24, 2011, Respondents filed their answer to the petition. [*Docs. 1* and *9*]. In their answer, Respondents failed to attach a copy of Mr. Lucero's petition for writ of certiorari regarding his state habeas petition even though it is cited in their answer. *See* [*Doc. 9* at 7 and *Doc. 9-6* at 1-39] (showing that Respondents intended to attach Mr. Lucero's "Petition for Writ of Certiorari, filed October 26, 2010 (with attachments)" as "Exhibit Q" but only filed what appear to be some of the exhibits to the petition for writ of certiorari). Because this document may affect the Court's ruling regarding the issue of Mr. Lucero's exhaustion of state court remedies (*see, e.g., Richwine v. Romero*, No. 10-2247, 2011 WL 2066552 at *2 n.2 (10th Cir. May 26, 2011) (unpublished) (stating that "a prisoner might be said to have exhausted a claim by raising it for the first time in his petition for certiorari to the state's highest court")), the Court will order Respondents to supplement their answer by filing a copy of Mr. Lucero's petition for writ of certiorari regarding his state habeas petition.

IT IS THEREFORE ORDERED that Respondents file with the Court **no later than Wednesday, July 6, 2011** a complete copy of Mr. Lucero's petition for writ of certiorari regarding his state habeas petition, together with all attachments that Respondents intended to file as "Exhibit Q" to their answer to the petition.

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE